

REMARKS

The Final Office Action mailed March 25, 2005 has been carefully considered. The present Amendment is intended to be a complete response thereto and to place the case in condition for allowance. A Petition for a one-month extension of time and fee therefore are filed herewith.

Claims 14 and 16 stand rejected under U.S.C. § 103(a) as being unpatentable over Dunn in view of Klingel.

Claim 14 is pending. Claims 1-13, 15 and 16 have been cancelled without prejudice to the subject matter therein. Claim 14 has been amended to include the last four limitations of the previous claim 16. Support for the claim amendments to claim 14 is found, *inter alia*, in the specification beginning on page 11, fourth full paragraph, and in FIG. 5. Applicants respectfully traverse the § 103(a) rejection.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP 2143.

The punching machine according to the present invention has been developed so as to punch out a workpiece (W) which is coiled as shown in FIG. 5 of the current application attached herewith. The coil is heavy, generally weighing between five and ten tons. Therefore, the coil cannot be moved in the X axis direction or the Y axis direction.

In light of the weight of the workpiece (W), the punching machine according to the present invention has been designed so that the workpiece (W) is moved in the X axis direction in a manner such that the coil is uncoiled or recoiled. This is reflected in the current amendment to claim 14 as defined in the second and third element clauses, namely, “so that the first positioning device (53) does not position the workpiece (W) in a second direction (Y) perpendicular to the first direction (X).” and “so that the second positioning device (69) does not position the workpiece (W) in the second direction (Y) perpendicular to the first direction (X).”

Instead of moving the workpiece (W) in the Y axis direction, the working head (8,9,11), including punches P and dies D, is moved in the Y axis direction. This is reflected in the current amendment to claim 14 in the fourth element clause, namely, “a working head (8,9,11) mounted in the body frame so as to be positioned in a the second direction (Y) ~~perpendicular to the first direction (X)~~ to punch the workpiece (W) thereby punching the workpiece (W) along the second direction (Y).”

On the contrary, the applied reference Dunn (US 5,193,426) discloses a punching machine (20) including a first positioning device (86) positioning a workpiece (W) in the first direction (X) and a second positioning device positioning a workpiece (W) in the first direction (X) as hand-written in FIG. 1 of Dunn attached to this Amendment.

In the punching machine (20) disclosed in Dunn, when the workpiece (W) is punched in a second direction (Y) a unit including the first positioning device (86) and the second positioning device shown in FIG. 8 of Dunn is moved by the motor 26 in the second direction (Y) together with the workpiece (W).

Therefore, in the case where the workpiece (W) is a material which is uncoiled from a coil, the coil, which weighs five to ten tons, should also be moved in the second direction (Y) together with the unit including the first positioning device (86) and the second positioning device. For the invention of Dunn to function with this type of workpiece, additional facilities to position the coil in the second direction (Y) are required, thereby increasing the manufacturing cost for punching the workpiece.

Furthermore, the other cited reference, Klingel (US 4,583,719) discloses a similar punching machine (1) to the punching machine (20) disclosed in Dunn. When the workpiece (18) is punched in a first direction (X), as hand-written in FIG. 1 of Klingel attached herewith, the first positioning devices (34,35) and a second positioning device (15) are moved by the motor (11) in the first direction (X) together with the workpiece (18).

In the punching machine disclosed in Klingel, when the workpiece (18) is punched in a second direction (Y), carriages (31,44) are moved by the motor (7) in the second direction (Y) together with the workpiece (W).

Therefore, in the case where the workpiece (18) is a material which is uncoiled from a coil, the coil, which weighs five to ten tons, should also be moved in the second direction (Y). For the invention of Klingel to function with this type of workpiece, additional facilities to position the coil in the second direction (Y) are required, thereby increasing the manufacturing cost for punching the workpiece.

Based on the clear distinctions over Dunn and Klingel discussed above, the references, taken alone or in combination, do not disclose or suggest the Applicants' claimed invention. Applicants respectfully submit that the claim as presented is allowable. Reconsideration and withdrawal of the § 103(a) rejection are respectfully requested.

The Office Action has been fully addressed. Entry of this Amendment and issuance of a Notice of Allowance of claim 14, as now presented, are respectfully solicited.

In the event that there are any questions relating to this Amendment or the application in general, it would be appreciated if the examiner would telephone the undersigned attorney concerning such questions so that the prosecution of this application may be expedited.

Please charge any shortage or credit any overpayment of fees to BLANK ROME LLP, Deposit Account No. 23-2185 (000004-00661). A Petition for a one month extension of time is filed concurrently with this Amendment. In the event that a petition for extension of time is required to be submitted herewith and in the event that a separate petition does not accompany this response, Applicants hereby petition under C.F.R. 1.136(a) for an extension of time for as many months as are required to render this submission timely.

Any fees dues are authorized above.

Respectfully submitted,

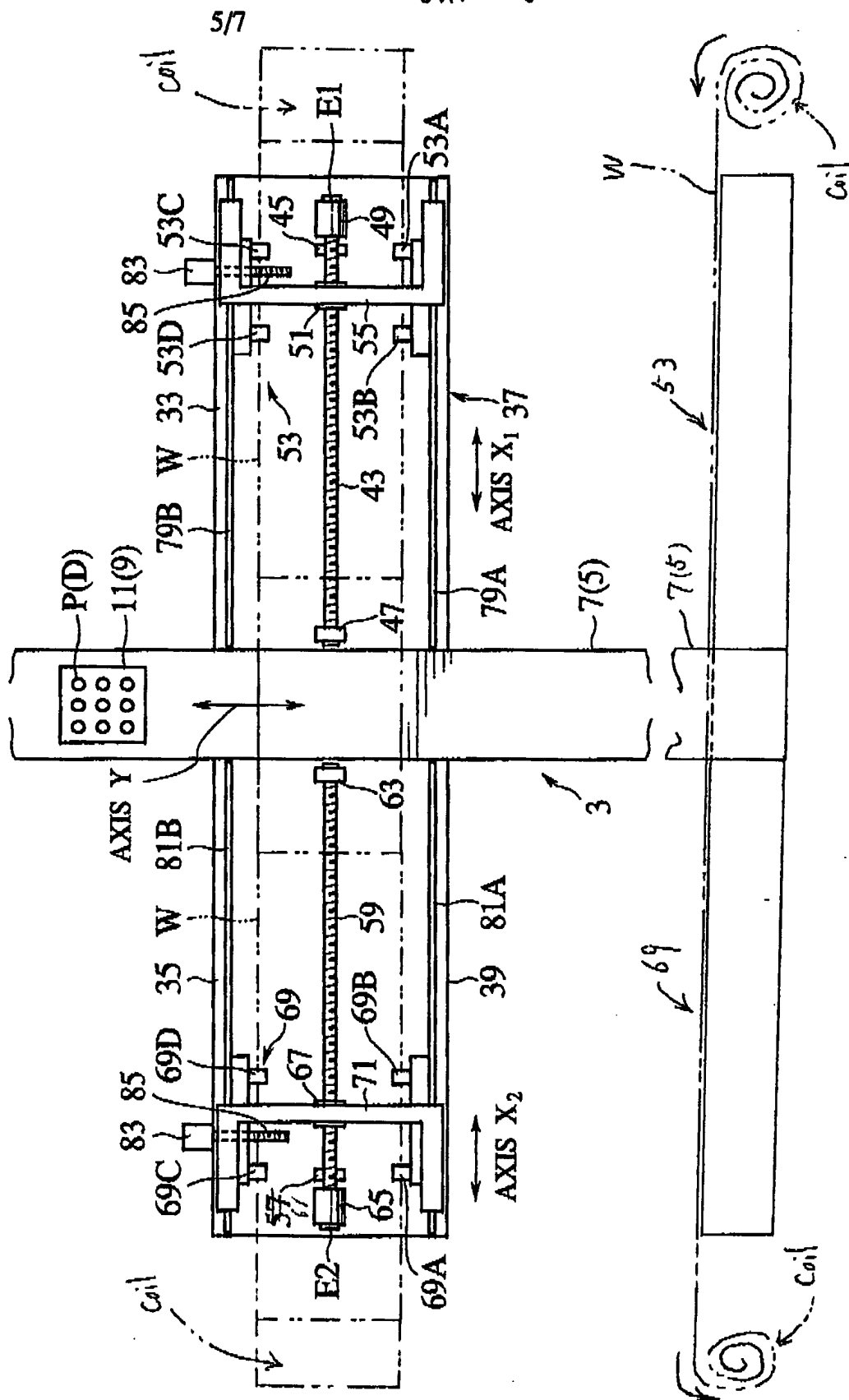
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Enclosures: Annotated FIG. 5 of the Application
Annotated FIG. 1 of Dunn (US 5,193,426)
Annotated FIG. 1 of Klingel (US 4,583,719)

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Reference FIG.5

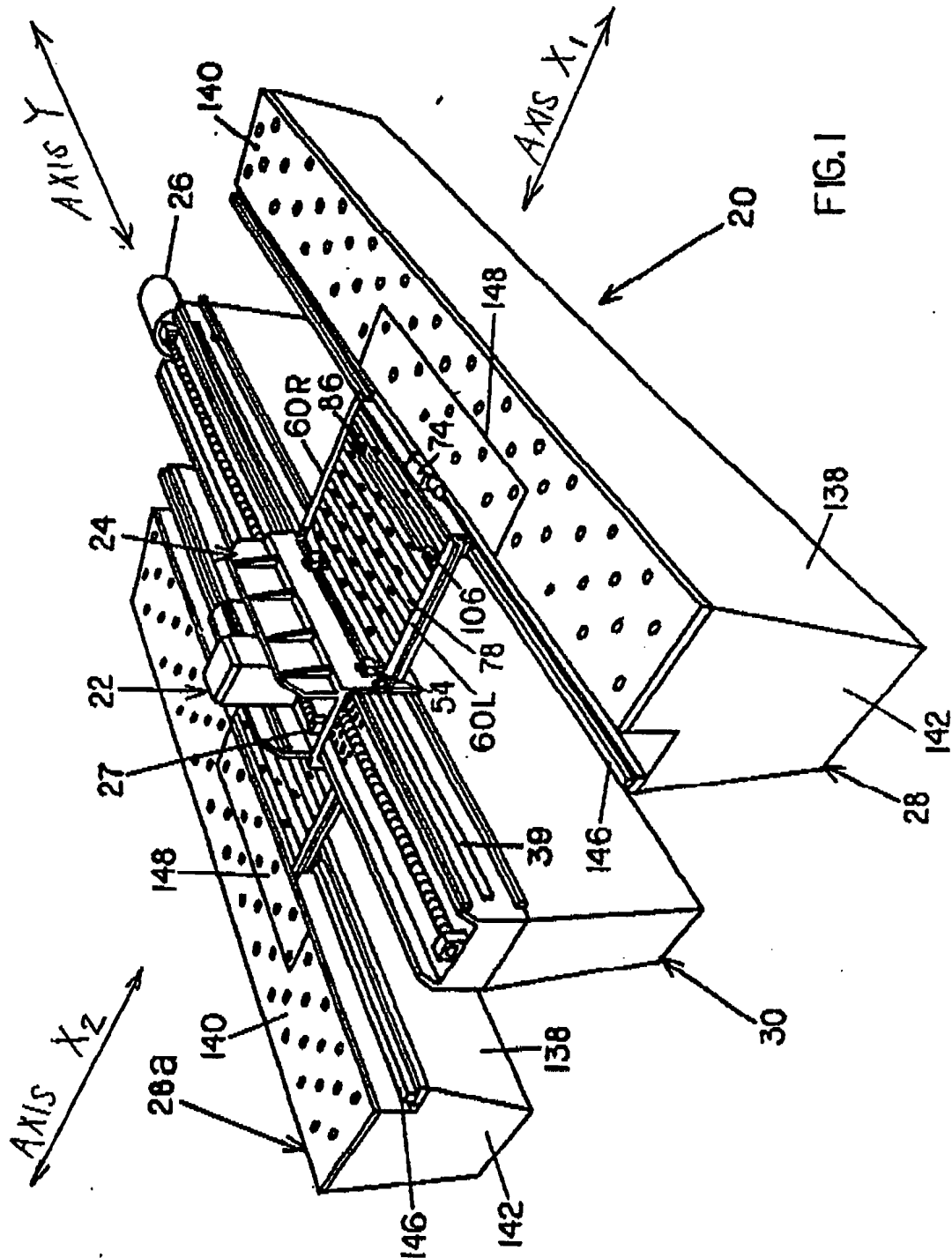


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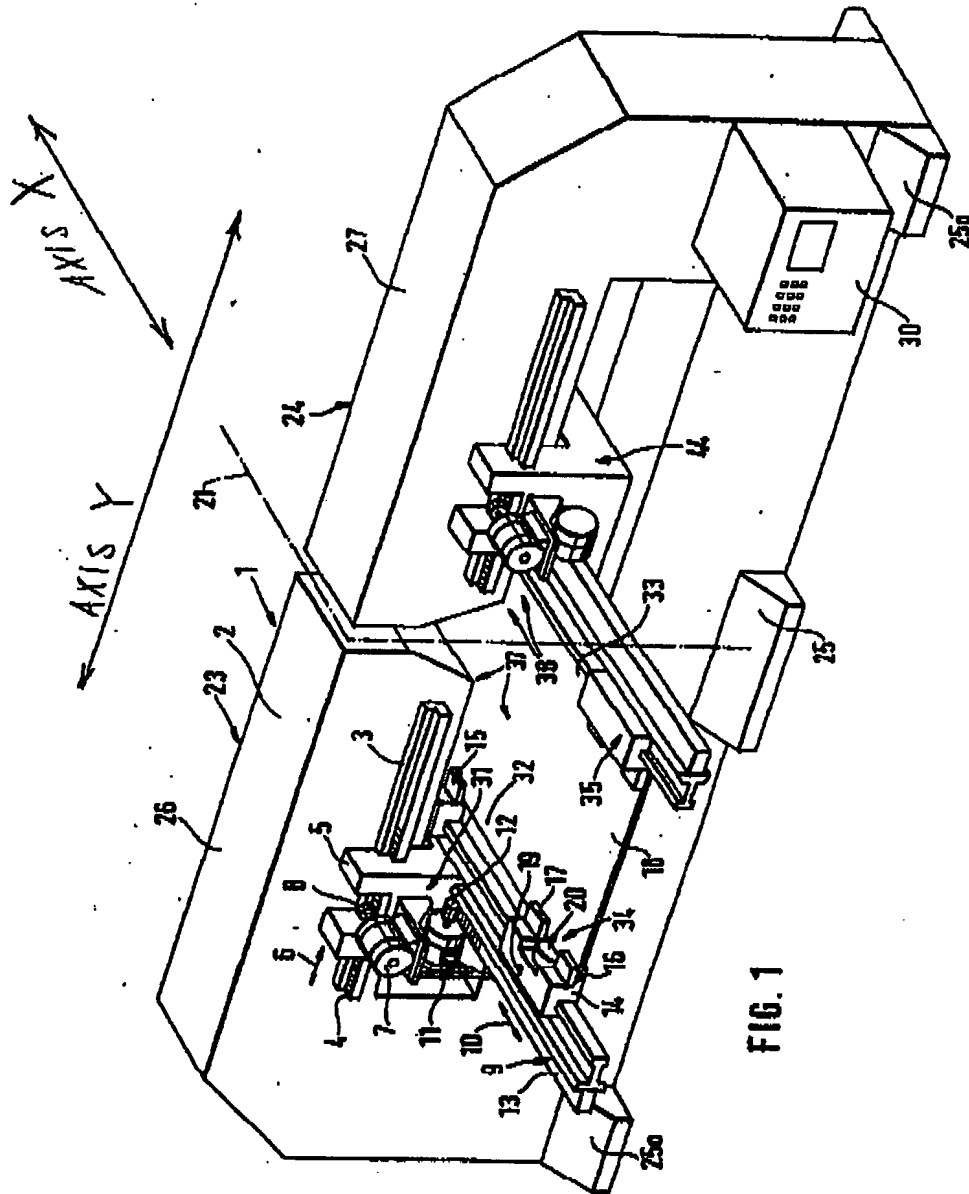


FIG. 1